**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE P.R.RAMAN

FRIDAY, THE 10TH NOVEMBER 2006 / 19TH KARTHIKA 1928

**W.P.(C).No.26177 of 2006(S)**
---

PETITIONER:-
---

P.V. KRISHNAKUMAR, AGED 43 YEARS, S/O.GOVINDAN,
MEMBER, EDAKKAD GRAMA PANCHAYAT, KANNUR.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:-
---

1. STATE OF KERALA,
   REP. BY ADDL.CHIEF SECRETARY (REVENUE-K) DEPARTMENT,
   TRIVANDRUM.

2. DISTRICT COLLECTOR, KANNUR.

3. EDAKKAD GRAMA PANCHAYAT,
   EDAKKAD, KANNUR, REP. BY ITS SECRETARY.

4. ASSISTANT ENGINEER, P.W.D.,
   BLOCK DEVELOPMENT OFFICE, EDAKKAD.

R1, R2 & R4 BY GOVERNMENT PLEADER SRI.T.B.HOOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/11/2006, THE COURT ON 10/11/2006 DELIVERED THE FOLLOWING:-

**V.K.Bali,C.J. & P.R.Raman,J.**

---

W.P.(C).No.26177 of 2006-S

---

Dated, this the 10th day of November, 2006

**JUDGMENT**

**V.K.Bali,C.J.**

P.V.Krishnakumar, an elected member of the Edakkad Grama Panchayat, Kannur District, has filed this petition by way of Public Interest Litigation complaining about non-repair of the road known as 'Kizhunna Congress Bhavan Manthappan Temple Rajeevji Road', which is a public road and became in a dilapidated condition due to heavy rainfall. On the petition made by the people to the Government for doing the road repair, the Government did pass an order, Exhibit P1, on 1.3.2006 allotting Rupees Two Lakhs, but within three months of passing of such order, the Government as per another order, Exhibit P4, cancelled the order earlier passed by it.

2. The obligation on the part of the Government to have serviceable roads is not denied. That the road got damaged in the floods is also admitted position. Sri.T.B.Hood, learned

Government Pleader, however, contends that the administrative sanction earlier granted has been cancelled due to paucity of funds. That may be so, but the Government cannot be oblivious of its duties and has to carry out necessary repairs to make the road serviceable. It may have paucity of funds for the time being, but then, in that situation, at the most it can take some more time to carry out necessary repairs, if not immediately.

3. Considering the totality of the facts and circumstances of the case, we direct the Government to carry out the repairs of the Kizhunna Congress Bhavan Manthappan Temple Rajeevji Road within two months from today.

Disposed of accordingly.

Sd/-
V.K.Bali
Chief Justice

Sd/-
P.R.Raman
Judge

vku/-

(True Copy)

P.A. to Judge.